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MITIGATED NEGATIVE DECLARATION

April 23, 2009

Project Name: Newport Pacific Palma de la Reina L Grading Plan

Project Number(s): L14372; ER 03-13-001

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Aesthetics, Noise, Hydrology, Stormwater Management Plan and Transportation/ Traffic.
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

HYDROLOGY AND WATER QUALITY

A. The following condition shall apply during the term of the Grading Permit:

1. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve one (1) acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

NOISE

- A. Prior to issuance of the grading permit, dedicate a Noise Protection Easement over Apartment Buildings 1 and 2 only that has the following requirements:
- B. Prior to the issuance of any building permit for any residential use within the noise protection easement, the applicant shall:
 1. Incorporate, to the satisfaction of the Director of Planning and Land Use, all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

PALEONTOLOGICAL RESOURCES

- A. Prior to the approval of any grading and or improvement plans and prior to issuance of any grading or construction permit pursuant to this Grading Permit, and prior to commencement of construction or use of the property in reliance on this Grading Permit, the applicant shall:
 1. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans:

(Paleontological Resources)

- a) "This project site has low levels of sensitive Paleontological resources. All grading activities are subject to the *County of San Diego Grading Ordinance Section 87.430*, if any significant resources (Fossils) are encountered during grading activities. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the County Permit Compliance Coordinator with the Department of Planning and Land Use before continuing grading operations."
- b) "If **any** paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego Guidelines for Determining Significance for Paleontological Resources."
- c) "Prior to Rough Grading Inspection (SEC. 87.421) do the following: If **no** paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the director of Planning and Land Use stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources."

TRANSPORTATION/ TRAFFIC

- A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH PRIOR TO ISSUANCE OF GRADING PERMIT:
 - 1. Improve, or agree to improve and provide security for the **intersection of El Camino Real West and Via De La Valle** by the following modifications to the existing traffic signal to the satisfaction of the Director of Public Works:
 - a) Install split phasing for the northbound and southbound approaches;
 - b) Install an eastbound right-turn overlap phase; and
 - c) Install a northbound right-turn overlap phase.

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2. Provide striping for a dedicated eastbound right-turn lane on Paseo Delicias, in accordance with Appendix G of the Traffic Impact Study dated 8/14/08 by Linscott, Law, and Greenspan, to the satisfaction of the Director of Public Works.
3. Extend the striping of the existing eastbound right-turn lane an additional fifty feet (50') for a total of one hundred fifty feet (150') and provide paving for an additional two feet (2') of shoulder to accommodate the additional turn lane capacity, in accordance with Appendix G of the Traffic Impact Study dated 8/14/08 by Linscott, Law, and Greenspan, **at the El Montevideo / Paseo Delicias intersection**, to the satisfaction of the Director of Public Works.
4. Pay the Transportation Impact Fee (TIF), which will be required at issuance of building permits and, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

none

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rosemary Rowan, Planning Manager
Regulatory Planning Division

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